



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

OCT 19 2004

VIA FACSIMILE AND
CERTIFIED MAIL (return receipt requested)

Angel D. Rodriguez
Chairman, Puerto Rico Planning Board
Minillas Government Center
De Diego Ave., Stop 22, Santurce
P.O. Box 41119
San Juan, Puerto Rico 000940-1119

Eduardo J. Ferrer Ramirez De Arellano, Esq.
Counsel for Villa Marina Yacht Harbour, Inc.
P.O. Box 9020485
San Juan, Puerto Rico 00902-0485

Re: Filing Deadline for Reply Brief of the Puerto Rico Planning Board - Consistency Appeal of
Villa Marina Yacht Harbour, Inc.

Dear Messrs. Rodriguez and Ferrer:

This letter responds to the Puerto Rico Planning Board's (Puerto Rico) request received on October 12, 2004, seeking a 30-day extension of the October 13, 2004, deadline for filing a reply brief for the subject consistency appeal. The extension was requested because the office responsible for preparing the brief has a heavy workload. The Appellant opposes any extension, arguing Puerto Rico has had sufficient time to complete its brief.

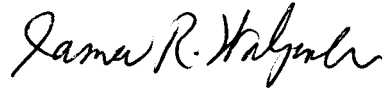
Upon considering the parties' limited arguments, the filing deadline for Puerto Rico's reply brief is extended until **October 29, 2004**. No showing was made that a short extension of time would unduly prejudice Villa Marina's interests in this appeal as filed with the Department of Commerce in October 2003. Further, it is noted both parties have previously requested and received additional time for filing materials for this proceeding. Regarding the length of the requested extension, Puerto Rico has not offered a persuasive argument to justify an additional 30 days. Puerto Rico's failure to request an extension until the day before the filing deadline



suggests the deadline was not afforded sufficient priority. A 16-day extension is intended to allow Puerto Rico's brief to be completed on an expedited basis.

Please contact Branden Blum, Senior Counselor, of this office (301 713-2967, extension 207) with any questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Walpole". The signature is fluid and cursive, with the first name "James" and last name "Walpole" clearly distinguishable.

James R. Walpole
General Counsel

cc: Vivian Gerena
Acting Chief, Antilles Regulatory Section
U.S. Army Corps of Engineers